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MAR 11 2004

BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)	
ELECTRIC COMPANY FOR AN)	CASE NO. 2003-00433
ADJUSTMENT OF THE GAS AND ELECTRIC)	
RATES, TERMS AND CONDITIONS)	

**PETITION OF LOUISVILLE GAS AND ELECTRIC COMPANY
FOR CONFIDENTIAL PROTECTION**

Louisville Gas and Electric Company ("LG&E") petitions the Kentucky Public Service Commission ("Commission") pursuant to 807 KAR 5:001 Section 7 to grant confidential protection to LG&E's responses to various data requests of the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention ("Attorney General") and Kentucky Industrial Utility Customers, Inc. ("KIUC"). LG&E does not object to making the confidential information available to the Commission and its staff, and to the intervening parties in this proceeding, provided that each such intervenor representative and counsel reviewing the confidential information executes an appropriate confidentiality agreement. These data requests and LG&E's basis for requesting confidential protection are as follows:

The Attorney General's Second Data Request Item No. 31

1. Item No. 31 requests a cost benefit analysis that quantifies the benefits of AGA membership for ratepayers and demonstrates that the benefits are greater than the reported cost.
2. Portions of this analysis relate to sensitive environmental issues facing LG&E which, if publicly disclosed, would place LG&E at a competitive disadvantage. The public availability of that information will place LG&E at a competitive disadvantage with those

businesses which are not required to reveal such information publicly. The redacted portions of this analysis are treated as confidential within LG&E Energy, and are not widely disseminated even among LG&E Energy's employees. Only personnel with a valid reason to access and use this confidential information – senior management, accounting personnel, and those employees directly involved in these areas, have access.

KIUC's Second Data Request Item Nos. 5 and 8

3. The responses to these data requests concern the allocation of pension and postretirement benefit expenses to LG&E and LG&E Energy Corp. affiliate companies.

4. The responses contain information concerning pension and postretirement benefit information of nonregulated companies like Western Kentucky Energy ("WKE") that is generally recognized as confidential and is not publicly available. WKE is not before the Commission in this proceeding and conducts unregulated business in competitive markets. Competitors of WKE in the wholesale power market who are not required to publicly file this information could use this information to create an unfair commercial advantage for themselves and to the detriment of WKE. Thus, this information is subject to protection under KRS 61.878(1)(c). The Commission granted confidential protection to the same type of information in this proceeding on February 23, 2004.

5. In accordance with the provisions of 807 KAR 5:001 Section 7, one copy of LG&E's responses to these data requests with the confidential information highlighted and ten (10) copies of LG&E's responses without the confidential information are herewith filed with the Commission.

WHEREFORE, Louisville Gas and Electric Company respectfully requests that the Commission grant confidential protection, or in the alternative, schedule an evidentiary hearing on all factual issues.

Dated: March 11, 2004

Respectfully submitted,



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